

ENTERED

June 11, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KYLE FREDERICK HAINES,
individually and as
representative of the Estate
of Robert Arthur Haines, and
KIRBY HAINES,

Plaintiffs,

v.

CIVIL ACTION NO. H-18-104

THE UNITED STATES and
THE HARRIS COUNTY FLOOD
CONTROL DISTRICT,

Defendants.

ORDER

In response to Defendant United States of America's Motion to Dismiss (Document No. 19), Plaintiffs concede that the case cannot proceed as pled against the United States.¹ Accordingly, because the United States of America has not waived its sovereign immunity, its motion to dismiss is GRANTED and Plaintiffs' claims against the United States of America, sometimes also identified as the United States Army Corps of Engineers, are DISMISSED for lack of subject matter jurisdiction. The United States's Motion for a Stay of Discovery (Document No. 20) is therefore DISMISSED as moot.

¹ See Document No. 22.

Defendant Harris County Flood Control District's Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) (Document No. 8) remains pending.

It is SO ORDERED.

The Clerk will enter this Order, providing a correct copy to all counsel of record.

SIGNED in Houston, Texas, on this 11 ¹⁰ day of June, 2018.


Ewing Werlein, Jr.
EWINING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE